

MARYLAND GAZETTE.

T H U R S D A Y, A U G U S T 14, 1800.

To the FREEMEN of the Fifth District of MARYLAND.

[Continued from No. 2793.]

FELLOW-CITIZENS,

THE friends of administration have laboured to persuade you that the system adopted by president WASHINGTON has been pursued by Mr. Adams. I have been particular in shewing that they have differed in many important points of national concern:—that they thought differently with respect to the great principle of national defence;—as it respects the MILITIA, and as it respects military establishments.—It has also been shewn that they have disagreed on the subject of foreign relations; and that they have not been governed by the same rules as to appointments to office. The views of the party in endeavouring to inculcate this opinion are readily seen.—The delusive mist is now dispelled.

A great deal has been said for and against the conduct of the president in the case of the unfortunate Jonathan Robbins. He had been committed to gaol in February 1799, on suspicion of having been concerned in a mutiny on board the British frigate *Hermione* in the year 1797, which ended in the murder of the principal officers, and carrying the frigate into a Spanish port. He was demanded by Mr. Liston the British minister under the 27th article of the treaty between the United States and Great-Britain. A state of the case will appear on reading the letter of the late secretary of state to judge Bee, which here follows:

Sir,
Mr. Liston, the minister of his Britannic majesty, has requested, that Thomas Nash who was a seaman on board the British frigate *Hermione*, and who he is informed is now a prisoner in the gaol of Charleston, should be delivered up. I have stated the matter to the president of the United States. He considers an offence committed on board a public ship of war, on the high seas, to have been committed within the jurisdiction of the nation to whom the ship belongs. Nash, is charged, it is understood, with piracy and murder, committed by him on board the above-mentioned British frigate, on the high seas, and consequently "within the jurisdiction" of his Britannic majesty; and therefore, by the 27th article of the treaty of amity with Great-Britain, Nash ought to be delivered up, as requested by the British minister, provided such evidence of his criminality be produced, as by the laws of the United States, or of South-Carolina, would justify his apprehension and commitment for trial, if the offence had been committed within the jurisdiction of the United States. The president has in consequence hereof authorized me to communicate to you "his advice and request" that Thomas Nash may be delivered up to the consul or other agent of Great-Britain, who shall appear to receive him.

I have the honour to be, &c.

(Signed) TIMOTHY PICKERING.

The honourable Thomas Bee, Esq; judge of the district of South-Carolina.

The article of the treaty under which this requisition was made, follows in these words:

"It is further agreed, that his majesty, and the United States, on mutual requisitions, by them respectively, or by their respective ministers or officers authorized to make the same, will deliver up to justice all persons, who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne, and defrayed by those who make the requisition and receive the fugitive."

I think it unnecessary to enter into any argument on the construction of the treaty, or to establish the position that the crime of piracy gave jurisdiction to the courts here. The question, whether Jonathan Robbins, alias Thomas Nash, should have been delivered up on the requisition of Mr. Liston, is certainly a question of executive or judicial cognizance. Under this article of the treaty it appears evidently to me to be a subject of judicial investigation. It is a subject which belonged to the judiciary, it necessarily follows that any interference of the executive, in which an opinion was given, must have been improper. Either the president had authority to interfere, or he had not. If he had authority to decide the question, it ought not to have been referred to the judiciary. If it belonged to the judiciary, the president ought not to have given an opinion which might influence the judge in his judicial decision.

A subject which involves in it not only the exposition of a treaty, which is a law of the land, but also an application of it to a particular case is palpa-

bly a subject of judicial cognizance. And a subject which involves a decision how far on a charge of murder or forgery, there is sufficient evidence of criminality to justify the apprehension and commitment of the person charged is certainly a subject for judicial inquiry. It is plain and evident that the president by referring it to judge Bee, conceived that it belonged to the judicial power. If it rested with the executive to make the decision any reference to the judiciary was unnecessary and improper. Our constitution has wisely provided that the executive and judicial power shall be vested in separate and distinct departments.

Robbins produced a national certificate of citizenship dated 20th May, 1795, and made affidavit that he was impressed from on board the brig *Betsy* of New-York, commanded by captain White, by the crew of the British frigate *Hermione*; and although, it is admitted that if he was an impressed American, the homicide on board the *Hermione* would, most certainly, not have been murder, yet he was delivered up, without any investigation of the facts of citizenship or impressment, and without any other than hearsay evidence that he was concerned in the piracy. The national certificate and affidavit were *prima facie* evidence of his citizenship and impressment; and as no contrary testimony was offered, the rational conclusion is that further time would have been allowed the prisoner to establish those facts, if under the opinion of the president the judge had not thought them immaterial. In delivering his opinion he observes "nor does it make any difference whether the offence is committed by a citizen or another person."—The only question which the judge seems to have deemed material was whether the evidence of his criminality was such as would justify his apprehension and commitment for trial. Upon this testimony the important order to surrender him to the British consul, was passed, and he was sent to Jamaica.—We have heard his fate.

On a similar occasion, in the case of captain Barre, president WASHINGTON declined interfering, and referred it wholly to the judiciary. The case is reported in the 3d volume of Dallas's Reports, page 42.

A motion was made by the attorney-general of the United States (Bradford) for a rule to shew cause why a *mandamus* should not be directed to John Lawrence, judge of the district of New-York, in order to compel him to issue a warrant, for apprehending captain Barre, commander of the frigate *Le Perdrix*, belonging to the French republic.

The case was this:—Captain Barre, soon after the dispersion of a French convoy on the American coast, voluntarily abandoned his ship, and became a resident in New-York. The vice-consul of the French republic, thereupon, made a demand, in writing, that judge Lawrence would issue a warrant to apprehend captain Barre, as a deserter from *Le Perdrix*, by virtue of the 9th article of the consular convention between the United States and France, which authorizes the mutual delivery of deserters to the consuls or vice-consuls of the respective countries, on demand made in writing to the courts, judges and officers competent; and on proof by the exhibition of the ship's roll, that the persons required were part of the crews. The French consul could not produce the original register or roll d'equipage, but a copy only: this, judge Lawrence thought insufficient evidence under the clause of the convention. The minister of the French republic then applied to the executive, complaining of the refusal, and the motion was made in order to obtain the opinion of the supreme court of the United States upon the subject for the satisfaction of the minister. After counsel were heard in opposition to the motion the attorney-general in reply premised that "the executive of the United States had no inclination to press upon the court any particular construction of the article on which his motion was founded, but as it was the wish of our government to preserve the purest faith with all nations, the president could not avoid paying the highest respects and the promptest attention to the representation of the minister of France, who conceived that the decision of the district judge involved an infringement of the conventional rights of his republic.—In the present case from the nature of the subject as well as from the spirit of our political constitution the judiciary department is called on to decide. For it is essential to the independence of that department, that judicial mistakes should only be corrected by judicial authority. The president therefore introduces the question for the consideration of the court, in order to ensure a punctual execution of the laws, and at the same time to manifest to the world the solicitude of our government to preserve its faith and to cultivate the friendship and respect of foreign nations."

It appears then in both cases, a foreign consul claims a man to be delivered up under a clause of a treaty. The claim in each case is made to a district

judge: in each case the foreign minister afterwards applies for the same purpose to the president of the United States. The late president did not hazard an opinion of his own or use his influence for or against the application from the French minister, but introduced the question for the consideration of the court.—Mr. Adams did give an opinion in favour of Mr. Liston's application, and advised and requested judge Bee hypothetically to deliver up the person claimed. The late president "had no inclination to press upon the court any particular construction of the clause in the treaty." He deemed it "essential to the independence of the judiciary department, that judicial mistakes should only be corrected by judicial authority;" and, he determined "from the nature of the subject as well as from the spirit of our political constitution," to leave the decision of the question to the judiciary department.—Mr. Adams, we have seen, with the precedent of WASHINGTON before him, has pursued a different course. The cases are similar, as far as the authority of the president is implicated.

Fellow-citizens,

The choice of electors of president and vice-president in this state has become inseparably connected with, and in a great measure depends upon, the election of members of the house of delegates. The friends of Mr. Adams's election perceive that it will not be safe to entrust it with the people. They wish to strip you of the privilege and vest it in the legislature. Fortunately for us, some of them have been bold enough to avow their designs. The eagerness of the party in the pursuit of their views has put them off their usual guard, and discovered their principles before it is too late to oppose them. It often happens that men defeat their own intentions by a premature disclosure of them.

I contend that under the constitution of the United States, the people have the right to choose electors. The words of the constitution are "each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress."

Hence it is clear that the state shall appoint, and the legislature may direct the manner of appointment: that is, the legislature may direct whether the election shall be *à viva voce*, or by ballot: by districts, or by a general ticket.

The word state must here mean the people in their highest sovereign capacity. It that sense the constitution was submitted to the states; and in that sense the states ratified it. We all know that it cannot mean the territory: it cannot mean the legislature, as is contended by some of our opponents, because the section of the constitution would then be read "the legislature shall appoint in such manner as the legislature may direct a number of electors &c." This construction is too absurd to require comment. A right to direct the manner of an election by no means includes the more important right of making the election. The word state, and the word legislature occur in the same sentence (nay in the same line) of the section under consideration and it cannot be supposed that they were intended to be used as synonymous terms.

It has been contended by others that "any manner of choosing which the legislature of each state shall direct is conformable and not contrary to the rights of the people." According to this mode of reasoning, the legislature may take from us this valuable privilege, and vest it in the governor and council, or in the governor alone, or in the council, or in any other person or persons in or out of the state. This construction is contrary to the principles of our government which is purely representative: and the right of electing our rulers constitutes more particularly the essence of a free and responsible government.

By the constitution of the United States, the people elect their immediate representatives;—they elect the senate through the medium of the state legislatures;—and the generally conceived opinion has been that through the medium of electors chosen by themselves, they had a right to choose the president and vice-president.

That this is the construction put upon the constitution by some of the most enlightened members of the convention who framed it, I will refer you to the 68th number of the *Federalist*, which was published soon after the constitution was projected. These papers, it has been generally believed were written by the learned and truly patriotic Mr. Madison, in conjunction with Mr. Hamilton, Mr. Jay and Mr. Duer. The two first were members of the convention; and Mr. Jay and Mr. Duer resided in New-York, and without doubt were well acquainted with the transactions of that memorable assembly.

"The mode of appointment of the chief magistrate of the United States is almost the only part of the system of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print has even

deigned to admit, that the election of the president is pretty well guarded. I venture somewhat further, and hesitate not to affirm that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages, the union of which was to be desired.

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for the purpose and at the particular conjuncture.

It was desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to station, and acting under circumstances favourable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to so complicated an investigation. It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a magistrate, who was to have so important an agency in the administration of the government, as the president of the United States. But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief. The choice of several to form an intermediate body of electors will be much less apt to convulse the community, with an extraordinary or violent movement than the choice of one who was himself to be the final object of the public wishes. And as the electors chosen in each state, are to assemble and vote in the state in which they are chosen, this detached and divided situation will expose them much less to heats and fermentations which might be communicated from them to the people, than if they were all to be convened at one time in one place.

Nothing was more to be desired, than that every practicable obstacle should be exposed to cabal, intrigue and corruption. These most deadly adversaries of republican government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the desire in foreign powers to gain an improper ascendancy in our councils. How could they better gratify this, than by raising a creature of their own to the chief magistracy of the union. But the convention have guarded against all danger of this sort with the most provident and jealous attention. They have not made the appointment of the president to depend on any pre-existing bodies of men who might be tampered with beforehand to prostitute their votes; but they have referred it in the first instance to an immediate act of the people of America, to be exerted in the choice of persons for the TEMPORARY AND SOLE PURPOSE of making the appointment. They have excluded from eligibility to this trust, all those who from situation might be suspected of too great devotion to the president in office.—Thus, without corrupting the body of the people, the immediate agents in the election will at least enter upon the task free from any sinister bias. Their transient existence, and their detached situation, already taken notice of, afford a satisfactory prospect of their continuing so, to the conclusion of it. The business of corruption, where it is to embrace so considerable a number of men, requires time as well as means. Nor would it be found easy suddenly to embark them, dispersed as they would be over thirteen states in any combinations founded upon motives, which, though they could not properly be denominated corrupt, might yet be of a nature to mislead them from their duty.

Another and no less important desideratum was, that the executive should be independent for his continuance in office of all, but the people themselves. He might otherwise be tempted to sacrifice his duty to his complaisance for those whose favour was necessary to the duration of his official consequence. This advantage will also be secured, by making his re-election to depend on a SPECIAL BODY of representatives, deputed by the society for the SINGLE PURPOSE of making the important choice.

All these advantages will be happily combined in the plan devised by the constitution, which is, that THE PEOPLE OF EACH STATE shall choose a number of persons as electors, equal to the number of senators and representatives of such state in the national government, who shall assemble within the state and vote for some fit person as president.

Observations more forcible than those contained in the recited paper are not perhaps to be found in any essay of equal brevity.—Independently of the consideration that the construction contended for by me is the construction given to the constitution by those who framed it, it will be found on mature deliberation, to be the only true and rational construction. By this construction "every practicable obstacle is opposed to cabal, intrigue and corruption" in the election of the chief magistrate: and this construction "unites in an eminent degree all the advantages, the union of which was to be desired."

The right of election is the very essence of our constitution—and the free and unbiased exercise of that right is the source and security of every other right and privilege. Yet, invaluable as this right is, and inestimable as it ought to be deemed by every true American, there are men among us who, to answer party purposes, are meditating a plan to deprive us of it, at this interesting crisis. That you have exercised this right ever since the general government was put into operation, you very well know. And as the people are the source of all political power, you cannot be deprived of it without your consent. It is in your power to retain this privilege by the electing men to

represent you in the state legislature on whose honour and patriotism you may safely rely to protect your rights. On the other hand if you make a voluntary surrender of it by electing those who have shewn a willingness to wrest it from you and vest it in the legislature, you will act with as little prudence and discretion, as if you joined your enemies to plunder yourselves.

If you once consent to surrender this right, what security have you that it will ever be recovered? Although your immediate representatives may be willing to restore it at a future period, (when it may answer their purposes) it will not be in their power without the concurrence of the senate. Whilst you exercise the right of choosing the electors, you have the election of president as much under your control as if he was elected immediately by yourselves. But if you surrender it to the legislature, it will be so far removed from your immediate agency, that you will lose this controlling power; and the farther the election is removed from popular choice, the greater will be the danger of cabal, intrigue, corruption, and sedition, and the less will be the regard for the happiness of the people.

I will now make a short reply to a hand-bill, subscribed "A Friend to Fair Play."

Having given my name to the public, and submitted my observations to their candour and impartiality, I had taken the resolution not to take notice of anonymous writers, who for obvious reasons, might think proper to conceal their real names from the knowledge of their fellow-citizens. This resolution would not have been departed from in this instance, had not Mr. Key, of Annapolis, avowed himself to be the author.—As "a friend to fair play," he ought at least to have conducted his publication with candour and liberality. It has been my study to avoid personalities.—

His mention of *Frenchified philanthropists*,—and the *accumulated horrors of a French revolution*,—are too loose and indeterminate to merit serious remark; and as they have no connexion with my address to you, they are consigned to oblivion as unworthy of observation.

I think it of little consequence to discuss the question whether "the writers in favour of Mr. Jefferson, and the exclusive patriots, have more sense than the majority of the house of representatives, more wisdom than the majority of the senate, and more constitutional knowledge than is to be found in the three branches of government." Of as little consequence would it be to discuss the question, whether the *majority*, or the *minority* in congress have more wisdom or patriotism;—or whether the representation of any particular district possesses more than his constituents. Such questions I shall leave to be investigated by those who cannot justly appreciate the right of freely examining public characters and measures. As an individual, I claim only the right to judge for myself. The paragraph before us, in a different shape, inculcates the doctrine of *unlimited confidence* in the public servants;—or in other words, the despotic doctrine of *passive obedience and non-resistance*. As a man of talents it is wonderful that the sentiment should have escaped Mr. Key: but it affords strong presumptive evidence of the propriety of the observation, that it is difficult to unroot ancient prejudices, and dispossess former feelings.

It now appears to be the great *sheet anchor* of our opponents to endeavour to persuade you that Mr. Adams in all his public acts has pursued the system adopted by his predecessor general WASHINGTON; and that the latter, in his letter, notifying his acceptance of the command of the army, has expressed an unqualified approbation of every act of his administration. If you can be prevailed upon to believe this, you are easily imposed upon indeed. I have already shewn that upon points of great national concern, they have pursued a different line of conduct,—particularly as to the MILITIA—military establishments,—and foreign intercourse.—A view of the letter alluded to will shew inconceivably that it relates *wholly and solely* to the conduct of the executive with respect to the then existing differences between this country and France. Permit me to exhibit the letter to your view.

"It was not possible for me to remain ignorant of, or indifferent to, recent transactions. The conduct of the *directory of France* towards our country; their insidious hostility to its government; their various practices to withdraw the affections of the people from it; the evident tendency of their act, and those of their agents, to countenance and invigorate opposition; their disregard of solemn treaties and the laws of nations; their war upon our defenceless commerce; their treatment of our ministers of peace; and their demand amounting to tribute; could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in their affectionate addresses to you. Believe me, Sir, no one can more cordially approve of the wise and prudent measures of your administration. They ought to inspire universal confidence, and will, no doubt, combined with the state of things, call from congress such laws and means as will enable you to meet the full force and extent of the crisis."

Satisfied, therefore, that you have sincerely wished and endeavoured to avert war, and exhausted, to the last drop, the cup of reconciliation, we can with pure hearts appeal to Heaven for the justice of our cause."

Every sentence of the letter proves my opinion to be just:—that it relates *solely* to our disputes with France. Speaking of the measures of administration, he says "they ought to inspire universal confidence, and will, no doubt, combined with the state of things, call from congress such laws and means as will enable you to meet the full force and extent of the crisis."—What crisis did he allude to?—Undoubtedly, the expected

rupture with France. And when he says, "we can with pure hearts appeal to Heaven for the justice of our cause," is it not evidently in reference to a war with France, in case the event should happen?—Candour must compel the admission that it can have no relation to the *alien act*, or any other particular act of government. Moreover, it should be remembered that at the time this letter was written, Mr. Adams had been only sixteen months in office; and that since that period, some of the most alarming acts of government have been passed. The sedition act, and the five millions eight per cent. loan, without doubt, favourite acts of the president, were passed subsequent to the date of that letter. It is needless to be more particular.

I believe three fourths of the people of America approved of all those measures of administration which had sincerely for their object, the settlement of our differences with France, or any other European power: and when France rejected our offers to negotiate, all united in the opinion that it was necessary to put the country in a proper state of defence. This is known to have been my opinion decidedly. Hence it follows that Mr. Key is mistaken when he tells you that the voice of Washington, rising as it were from the grave, approved what Mr. Duval censured and condemned. I concurred in opinion with general WASHINGTON.—How far the immortal WASHINGTON and Mr. Key heretofore agreed in their politics, YOU VERY WELL KNOW.

Mr. Key is equally mistaken when he tells you that my *visionary* publication is chiefly extracted from the works of Virginia democrats, and that the substance of the whole is to be found on the files of the *Aurora*, and in the libels of Callender. The substance of my address is not to be found on the files of the *Aurora*, or in the libels of Callender. The opinions and observations which I had submitted to your consideration are my own, and not the echo or infusion of other men, except a part of the arguments on the alien and sedition acts, which were given as a quotation; and which are the arguments of the learned, virtuous, and truly patriotic Mr. MADISON. They cannot be rebutted by the LIBERALS of the world. His works ought to be in the hands of every true American, and lover of his country. It should form a part of our POLITICAL CREED.

Some men think all arguments *visionary* which assert and vindicate the RIGHTS OF MAN. Mr. Pitt has declared his opinion that those arguments are *visionary* which assert the doctrine of the sovereignty of the people, and that those who maintain that doctrine are the enemies of the human race. I am mistaken if many of our opponents do not coincide in opinion with him.

Mr. Key next makes a charge of irreligion against Mr. Jefferson; and to prove it he has extracted three lines from his notes on Virginia. These do not support the charge. Mr. Key is again mistaken; and as it would be doing violence to probability to impute his mistake to ignorance, respect for his character induces me to believe that he has never read the whole of that valuable work. I will give the passage relied on by Mr. Key, with a few preceding and subsequent sentences.—A short extract from the 237th page;—and a part of the preamble to the act for establishing religious freedom, drawn up by Mr. Jefferson, and passed by the legislature of Virginia. These will satisfy any impartial man that the charge is unfounded.

Mr. Jefferson in the 231st page of his notes, makes these observations. "The error seems not sufficiently eradicated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws. But our rulers can have no authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty Gods, or no God. It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure them. Reason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free inquiry, christianity could never have been introduced, &c."

In the 237th page, we find the following remarks.—"Can the liberties of a nation be thought secure, when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever, &c."

Extract from the act for establishing religious freedom. "WELL aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the HOLY AUTHOR OF OUR RELIGION, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and unimproved men have assumed dominion over the faith of others,

setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time: that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical, &c."

These extracts contain sentiments which sufficiently prove that Mr. Jefferson is no bigot;—no tyrant;—no hypocrite. They, at the same time, prove, combined with the leading features of his character, that he is "a man of pure, ardent and unaffected piety; of sincere and genuine virtue; of an enlightened mind and superior wisdom; the adorer of our God; the patriot of his country; and the friend and benefactor of the whole human race."

Next in order is the handbill of my worthy competitor, Mr. Chase.—He relies principally, for his preference of Mr. Adams, on the letter of general Washington before mentioned, and the speech of Mr. Jefferson on his assuming the office of vice-president, as I have already commented on the letter and speech, I trust, that it related wholly to the conduct of the executive relative to our differences with France, it only remains to make a few observations on the speech of Mr. Jefferson. Let us read it:

"I might here proceed, and with the greatest truth to declare my zealous attachment to the constitution of the United States; that I consider the union of these states as the first of blessings, and as the first of duties the preservation of that constitution that secures it; but I suppose these declarations not pertinent to the occasion of entering into an office, whose primary business is merely to preside over the forms of this house; and no one more sincerely prays that no accident may call me to the higher and more important functions, which the constitution eventually devolves on this office. There have been justly confided to the eminent character who has preceded me here, whose talents and integrity have been known and revered by me through a long course of years, and I devoutly pray he may be long preserved for the government, the happiness and prosperity of our common country."

It is admitted that in this speech Mr. Jefferson has complimented Mr. Adams; and I shall not question his sincerity, I hope and believe that each has too much liberality not to respect and esteem the other, although they may differ in their political opinions. It should not be forgotten that it was made on the 4th of March 1797. It cannot possibly be construed into an approbation of Mr. Adams's political opinions; much less into an approbation of his administration, every act of which has had its birth since that era. If then it has no reference to Mr. Adams's executive conduct, with what propriety can it be brought forward to prove that he ought to be re-elected? It must be perceived that it is altogether irrelevant to the purpose for which it has been used; any further remark therefore must be unnecessary.

Hereafter Mr. Jefferson's opponents, I presume, will not question his zealous attachment to the constitution of the United States; or that "he considers the union of these states as the first of blessings, and as the first of duties the preservation of that constitution which secures it."

I feel a pleasure that my friend has dropped the charge of irreligion against Mr. Jefferson. He is now satisfied, it is hoped, that it is without foundation. It affords satisfaction to his friends to observe that it has generally been most vehemently insisted on by those who have practically denied all religion by the immorality of their lives. That he is against an established church has never been denied. The act for establishing religious freedom, drawn by him, affords an immortal proof that he is an impartial protector of the religious as well as social rights of all religious sects; and that he is for establishing religious freedom on a basis equal for all sects, and satisfactory to all who wished for that equality, and for a proper exemption of religion from civil cognizance. His influence with the truly religious is daily increasing; and that influence which *virtus effluat in the hearts of the virtuous* he will never lose.

G. DUVALL.

[To be continued.]

For the MARYLAND GAZETTE.

To the CITIZENS OF ANNAPOLIS and ANNE-ARUNDEL COUNTY.

IN times like the present, when the whole continent is convulsed by contending parties, and many of our public prints are filled with little else than misrepresentations and calumny against the supporters of our constitution and the administration of our government, which they wish to palm upon our good citizens as reason and argument, to convince them that their liberty is in danger, because the president of the United States (one of the greatest patriots that ever adorned America,) signed some laws which the minority complain of, and which were opposed by them in every stage of their progression through both houses of congress; the word liberty is caught at, and rung in the ears of the people, in hopes to make our citizens believe that the supporters of Mr. Adams are in favour of oppression, and an unwarranted assumption of power in the administration of the government of the United States. My fellow-citizens look around you, reflect seriously, and judge between the parties. Where do you find the friends of Mr. Adams attempting to injure the rights or privileges of the people? Look amongst those whom you are acquainted with: is there not a large majority of them men who have sustained the shock of the American revolution, and who have risked their lives and fortunes in ob-

taining the independence of this country? Look at the supporters of Mr. Adams; can you compare the the old and sedate, whose judgments have been matured by age and experience, can there be a competition between them and most of the young men (in favour of Mr. Jefferson) just rising into life, and who never had it in their power to render a service to their country, and whose years are by no means such as to enable them to form a correct judgment, either on the constitution or the policy of this extensive union. I will venture to say that I will produce, so far as I am acquainted, (and that is not confined to a small circle,) at least ten to one of the former in favour of our worthy president. Citizens of Annapolis, consider before you act.

But the great men of Virginia call out that your liberty is in danger; to the great mortification of the patriots of Maryland, there are too many amongst us who are always ready to gape and swallow down every word that comes from that quarter, without ever forming a judgment whether they are right or wrong;—Believe me my friends that they are the last people on the continent that you ought to take a model of government from.—What is their own government; is it not formed on the most aristocratical principles of any in the union? and is it not supported by these very men who would wish to alarm you, (to answer their own views,) by calling out that your liberty is in danger? can any man vote in Virginia unless he is in possession of a landed estate, no matter what his personal property may amount to? *no he can not*; and the poor and middling class of people in that state, (amounting to more than one half of its population,) is kept in the utmost state of vassalage. Believe me, my friends, all is not right; this is what I call democracy in the mouth, but aristocracy at the heart, and you ought not to trust such declarations.

I say again, in such a crisis as this it becomes every good citizen to look at home; how does the city of Annapolis and Anne-Arundel county stand? I will try to explain it, in my opinion they stand as a balance between the two great contending parties in this state, to wit: the Baltimore and Patowmack interests; the former your declared enemy, the latter your avowed friend; Annapolis has hitherto shewn itself strongly attached to the constitution of the United States, and its administration, as was fully evinced by our last election to congress; and now we have obtained our greatest wish, to wit: the removal of congress to the Patowmack, a hue and cry is raised about the liberty of the people, which has a tendency to sap their confidence in the federal government, and to render them hostile to that policy which has hitherto marked the character of this city, and rendered her so conspicuous for her federalism; but should you, contrary to all expectation, disgust your friends by an illiberal opposition to the measures of government, in giving way to weak unfounded jealousies, and dismissing from your service those who have not only uniformly supported your rights and interest with integrity and ability, but whose general politics accord with that policy which has hitherto prevailed, and to which we owe our unexampled prosperity; you may find, my fellow-citizens, those fears realized which a friend now wishes to present to your view, that you may be on your guard. Ingulphed in ruins and destruction, there will be nothing left to you but the sad privilege of lamenting the total error in which you have been plunged. You may avoid the tremendous abyss by a steady adherence to those principles which have hitherto actuated you, I mean a liberal and generous support of government. Trust me, you had better abide by a profitable experience, than a mischievous theory; better give up imagination for fact. Fellow-citizens, self interest is too predominant in all men, and therefore you have to dread, that a junction may be formed in time between the two contending parties in our own state. You who have any thing to lose, look around and consider what is right and proper for you to do. I shall content myself, at present, with giving this warning, not to nourish the adder in your bosom till it stings you so deep that all advice and assistance will afterwards come too late; if care and circumspection is not used, combinations may be formed for your destruction; of this you will judge as well as myself, and use the means which are in your power to counteract them.

Baltimore, although a great commercial town, is not without her wants, wishes and interests, to be sought for from the federal government; and may she be gratified in what is just and reasonable, but although powerful from her political principles, she may feel disappointment and injury. It becomes us to look at home.

VIGILATOR.

NEW-YORK, August 6.

Captain Sharp informs, that previous to his leaving England, information had been received of the combined fleets having put to sea from Brest; in consequence of which, orders were immediately issued for Sir Alen Gardner to join lord St. Vincent (who had been driven from the blockade of Brest by disastrous weather) with all the force in Plymouth and Portsmouth, and pursue the enemy. These orders were so peremptory, and such dispatch made in obeying, that lord St. Vincent, with his flag-ship, was left behind to repair a trifling injury sustained in the above gale, who, however, sailed the next day.

Capt. S. left Falmouth the 12th June, the next day, off Ushant, he saw a ship of the line very much disabled, accompanied by a frigate and a small ship, steering for the coast of England; being at considerable distance to the windward, capt. S. could not speak them.

Annapolis, August 14.

Boston, August 6.

LATE NEWS FROM EUROPE.

Yesterday arrived here, ship Five Brothers, captain Phillips, from London: by which we have regular files of London papers to June 24th—Fourteen days later than before received.

The intelligence is highly interesting. The French armies, under generals Berthier, Murat, Terreau, Moncey and Souther, superintended by generalissimo Buonaparte, are pouring, with the rapidity of the Rhone, over the whole north of Italy. The points of their progress, at the last dates, were Brescia, the vicinity of Alessandria, Turin and Savona; while the Austrian forces, under Melas are between Turin and Genoa; under Ott between Alessandria and Tortona.—A new army of reserve of 50,000 under general Brune, has marched from Dijon; while, on the other hand, the German war councils are exerting every nerve to reinforce their arms.

In Germany, the French head quarters were at Memmingen; though Moreau had extended his van into Bavaria; to whose election, it is however laid, he has granted a suspension of arms.

Genoa actually surrendered to gen. Ott, the 7th June.—It capitulated at the moment when the French were preparing to attack the besiegers; and on the day general Ott had orders to raise the siege.

The talk of peace continued at the last dates. The cabinet of Vienna, it is said, has expressed a willingness to listen to Buonaparte's repeated overtures;—and the French premier is said to have suspended his career of victory, to give time for an explicit answer.

The English fleet, under lord St. Vincent, were off Ushant June 12th—at which time the combined fleets were engaged in Brest waters.

A very important expedition was preparing in England.

We do not learn a word further respecting our negotiation at Paris.

SURRENDER OF GENOA.

Massena, general in chief, to the consuls of the French republic.

From the head quarters at Genoa, June 7.

"CITIZENS CONSULS,

"I have the honour to address to you the convention agreed on for the evacuation of Genoa, by the right wing of the French army.

"From the 5th of April, we have not received either from France or Corsica any succours.

"From the 21st of May, the inhabitants of Genoa have had no bread.—The army received only six ounces, composed of a mixture half bran and half maize. For the last ten days the maize was replaced by cocoa, and the allowance diminished to three ounces. The greater part of the horses have been consumed.

"On the 25th, the troops of the right wing began their march, with their arms, baggage, and ammunition, to rejoin the centre of the army, which on the 26th was at Alafio. To-morrow I shall go there myself.

"I shall have the honour of transmitting to you immediately, an account of the events which have taken place from the 5th of April to the 5th of June.

"Health and respect,

"MASSENA.

"The account will be brought you, as well as the 8 standards taken from the enemy, by my aid-camp."

VIENNA, May 31.

The recent brilliant successes of the French have excited much anxiety here. There is no longer any doubt peace will soon be agreed to. Buonaparte has frequently repeated his overtures. The cabinet has frequent sittings. Gen. Kray's army is discontented.

LONDON, June 24.

Genoa is to be garrisoned by our troops.

This morning we received, by express, Paris Journals to the 22d instant. The intelligence they contain, is most important and momentous.

The operations of the French army of reserve, exhibit an uninterrupted series of victories; and from the following bulletins it appears, that the campaign in Italy is already terminated, by the total defeat of the Austrian army:

TELEGRAPHIC BULLETIN.

"Paris, 2d Messidor—June 21.

"The first consul has obtained a complete victory on the 29th Prairial (June 18). Eight thousand Austrians and forty pieces of cannon, are taken by the French army. Six thousand dead, belonging to the vanquished, remain on the field of battle.

"The enemy capitulates for the restoration of Genoa, and the fortresses of Italy and Lombardy."

SECOND BULLETIN.

Same date.

"The army has been victorious at Maringo. This battle has decided the fate of Italy, and announces peace.

"We wait for an answer from Vienna. The armies will resume hostilities within ten days, if the answer be not favourable.

"General Desaix is wounded in the head."

There are several other articles of important intelligence in the French journals; but at present we have only time to refer our readers to the details in the preceding columns.—Maringo, where the battle mentioned in the above bulletin was fought, is a village on the right of the Bormida, and Tanaro, and about five miles distant from Alessandria.

Negroes for Sale.

To be SOLD, for a term of years,

THE following NEGROES, to wit: a man, about twenty years of age, accustomed to the business of a plantation, to be sold for the term of seven years; a boy, between eleven and twelve years of age, for the term of fifteen years, and a woman, accustomed to domestic services, for the term of two years. Inquire of the Printers.

THIS is to give notice, that the subscriber hath obtained from the orphans court of Charles county, in Maryland, letters of administration on the personal estate of LEVIN SOTHORON, late of Charles county, deceased, all persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, on or before the 28th of January, 1801, next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 28th of July, 1800.

THOMAS L. SOTHORON, Executor.

THE subscriber hereby gives notice, that he intends to petition the general assembly of Maryland, at their next session, to grant him an act of insolvency, as he is unable to pay his debts.

JOHN CONAWAY.

Anne-Arundel county, August 9, 1800.

In CHANCERY, July 21, 1800.
REDMOND GRACE,

An insolvent of Prince-Georges's county,

MAKES application as a trader, by petition to the chancellor, in writing, praying the benefit of an act for the relief of sundry insolvent debtors, there is annexed to his petition a schedule of his property, and a list of his creditors, on oath, as by the said act is required; the chancellor is satisfied, by competent testimony, that he is at this time, and was, at the time of passing that act, a citizen of this State, and of the United States; it is thereupon adjudged and ordered, that he appear before the chancellor, in the chancery office, on the fifth day of March next, for the purpose of taking the oath by the said act required, in presence of his creditors, and that, by causing a copy of this order to be inserted, once in each of three successive weeks, before the 5th day of September next, in the Maryland Gazette, he give notice to his creditors to attend on the said 5th day of March, for the purpose of recommending a trustee for their benefit, and to lodge with the chancellor, within six months from the time of the last publication, (if they shall think fit) their dissent to his being admitted to the benefit of the said act.

Tell. SAMUEL HARVEY HOWARD,
Reg. Cur. Can.

The subscriber has for SALE,

A FEW elegant prints of THOMAS JEFFERSON, Esq; vice-president of the United States, in handsome gilt frames, ditto the WASHINGTON FAMILY, dressing glasses, tea caddies, portable writing desks, gentlemen's chests of tools, plate baskets lined with tin, house bells, chamber lamps, with wicks for burning in the night, gilt oval frames for pictures, boxes of paints for drawing, black lead and camel hair pencils, files, billiard-tacks, wood-saws, wire senders, maps of Maryland, and a variety of house-hold furniture.

JOHN SHAW.

Annapolis, August 6, 1800.

To be SOLD, by order of the orphans court of Anne-Arundel county, on Thursday 4th day of September, at eleven o'clock, if fair, or the first fair day thereafter, at the late dwelling of WILLIAM CHAPMAN, deceased, for cash.

TWO likely valuable young negro men, one woman and child, and one negro girl, 9 or 10 years old, and some household furniture, among which is a valuable bed. All those having claims against said Chapman's estate are once more requested to bring them in, legally authenticated, on or before the day of sale, that I may be enabled to settle said estate, and those indebted are requested to make immediate payment, as longer indulgence cannot be given.

LEONARD SELLMAN,
Who is authorized to settle said estate.

To be LEASED,

THAT valuable plantation on GREENBURY'S POINT, with the negroes thereon, now in the possession of Mr. SAMUEL CREW; the tenant may have liberty to sow wheat. Possession will be given on the first day of January next. For terms apply to Mr. CLEMENTS, in Annapolis, or the subscriber, in Ballon.

DAVID KERR.

August 1, 1800.

THIS is to give notice, that the subscriber hath obtained from the orphans court of St. Mary's county, in Maryland, letters of administration on the personal estate of WILLIAM CARTWRIGHT, late of St. Mary's county, deceased, all persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, on or before the twenty-third day of June next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 24th day of June, 1800.

ELIZABETH CARTWRIGHT.

Twenty Dollars Reward.

RAN away from the subscriber, living in Anne-Arundel county, near the Fork of Patuxent, on Saturday the 2d of August, a negro man named LUKE, about 22 years of age, 5 feet 9 or 10 inches high, remarkably black, stout, active, and well made, shews his teeth very much when he talks; the said fellow was raised in Annapolis by Mrs. Gaither, and was bred a chimney sweeper; had on when he went away, an osnabrig shirt and trousers, but I have every reason to believe he has changed his cloaths; he has a mother living in St. Mary's county and may probably make that way. The above reward will be paid for bringing him home, or securing him in any goal, so that I get him again, and all reasonable charges, paid by

PHILEMON BROWN.

August 4, 1800.

Eight Dollars Reward.

RAN away from the subscriber, on the 30th day of July, a negro woman named LUCY, 21 years of age, of a yellowish complexion, about 5 feet high; her clothing consists of a white woollen jacket and petticoat; one ditto cotton, country made, a Bath coating furout, and country made blankets, her other clothing unknown, as she had a variety; as her father lives in Annapolis it is probable she may be in or about that neighbourhood, if not she may have made for Baltimore. Whoever takes up said woman, and secures her in goal, so that I get her again, shall receive the above reward, and if brought home all reasonable charges paid, by

WILLIAM BREWER, sen.
living near Annapolis, Anne-Arundel county.

All masters of vessels, and others, are forewarned carrying her off, or harbouring her, as I am determined to put the law in force.

August 4, 1800.

To be SOLD, for CASH, by the subscriber, on Friday the 15th day of August next, at the dwelling of the late JOHN PINDEL,

SUNDRY NEGROES, consisting of men, women, and children. The sale to begin at 10 o'clock, if that day is not fair, the first fair day, Sunday excepted.

SAMUEL WARD.

July 22, 1800.

WE, the subscribers, having obtained from the orphans court of Anne-Arundel county, letters of administration on the estate of Mrs. ELIZABETH MACKUBIN, late of the city of Annapolis, deceased, do require all persons having claims against the said deceased to exhibit them, properly authenticated, for payment; and those who are indebted to the said estate are requested to make immediate payment to the subscribers.

JAMES MACKUBIN, } Execu-
RICHARD MACKUBIN, } tors.

June 24, 1800.

Fifteen Dollars Reward.

RAN away from the subscriber, living in Anne-Arundel county, on the 21st of February, a negro man named DICK, about forty years of age, five feet six inches high, round full face, large eyes, very bow legged, slow of speech, and fond of smoking a pipe, he is a methodist preacher; took along with him a country cloth coat, and one gray coloured, and breeches, two osnabrig shirts, short kersey coat and trousers, shoes nailed. Whoever takes up the said negro, and secures him in any goal, shall receive the above reward, and if brought home all reasonable charges, paid by me

HUGH DRUMMOND.

February 24, 1800.

RAN away a few days past, a negro man named JEM, he is a lusty yellow fellow, about twenty-eight years of age. Any person who will deliver him to me shall be paid TWELVE DOLLARS.

BENNETT DARNALL.

July 24, 1800.

WHEREAS I heretofore gave notice, in the Maryland Gazette, to the creditors of JOHN BULLEN, late of the city of Annapolis, deceased, to meet at Mr. CATON'S tavern, in the said city, on the 1st instant, at which time very few appeared, I do, therefore, hereby request all those who have claims against the estate to exhibit them to me before the 1st day of September next, as I am anxious to make a dividend of the assets in hand, which cannot be done until the whole amount of the claims against the estate be ascertained. It is earnestly hoped that all those to whom the estate is indebted will attend to this notice.

THOMAS JENINGS, Administrator.
Annapolis, July 10, 1800.

Eight Dollars Reward.

RAN away from the subscriber, on the 13th inst. a negro man by the name of PERRY, 20 years of age, 5 feet 3 or 4 inches high, of a yellowish complexion, slender made, and when spoke to replies in a pert manner; had on when he went away, a nankeen coat, muslin jacket, nankeen breeches, white shirt, blue and white hose, old shoes, and old hat. I expect he will make towards Annapolis, Baltimore, or the Federal City, as he some time past endeavoured to get off. Any person apprehending the said fellow shall receive the above reward.

JAMES HEIGHE.
Calvert county, July 22, 1800.

LIST of LETTERS remaining in the Post-Office, Port-Tobacco, July 1st, 1800, which, if not taken up, will be sent to the General Post-Office.

JOHN CLEMENTS, of Francis.

Benjamin Davis,
James Dunnington,
Margaret Fowke,
Joseph Green,
William Green;
Benjamin Gray,
Tabetha Hodson,
William Hall,
Mary S. Jones,
James Lewis,
Julia Melford, 2,
Benjamin Marshall,
Elender Smallwood,
Philip Wedding,
James Waters,
Ignatius Wills,
John Williams,
Col. Francis Ware.

SAMUEL HANSON, P. M.

A LIST of LETTERS remaining in the Post-Office, Annapolis, which will be sent to the General Post-Office as dead letters, if not taken up before the first day of October next.

VALENTINE ARNETT, Annapolis.

Elizabeth Ball, Nicholas Brewer, John R. Bryce, Annapolis.

The Clerk of the General Court, Jeremiah Chase, (2), John Callahan, (2), Richard Chase, John Caruthers, William Caldwell, care of Hugh Maguire, Annapolis.

Allen Ducker, Jesse Dewees, Dawson & Co, H. C. D'Werhagen, Annapolis.

Dr. Thomas Edgar, Annapolis.

Capt. William Fairfield, (2), Annapolis.

John Gwinn, (4), John M. Gant, (2), Lovis Gotsage, John Gibson, Annapolis; John Groves, West river; Gardner & Bowling, (2), Magruder's ferry.

Alexander Contee Hanson, Nicholas Harwood, major Philip Hammond, care of Baruch Fowler, John Hambleton, William Hammond, Samuel Harvey Howard, James Hunter, capt. Wm. Hanlon, Annapolis; Dr. William Handy, (2), care of the rev. Henry Mosecrop, London-town; Thomas Hobbs, sen. Anne-Arundel county.

The Judges of the General Court, Henry Johnson, Annapolis; Mrs. Johnson, at Mr. Ogle's, Bell-Air; Horatio Johnson, near Elk-Ridge Landing.

John Linvill, Annapolis.
Alexander C. Magruder, William M'Mechen, Andrew Murdoch, Annapolis; William Middleton, Pool's Island.

Richard Owings, Anne-Arundel county.

Allen Queen, Annapolis.

Ridgely & Evans, Dr. Wm. Rogers, Sarah Reamer, Eliza Retallick, care of Dr. Harwood, Rezin Rowles, Richard Rawlings, Annapolis; Gasaway Rawlings, near Annapolis.

Becky Severe, Robert Smith, Richard Soderstrom, Annapolis; John Snowden, Caleb Sappington, Wm. Sifton, Anne-Arundel county.

Mary Wilmer, James West, William B. Wood; Gideon White, (2), Charles Waters, care of John Randall, Annapolis; Richard Waters, Ruth Watkins, Anne-Arundel county.

S. GREEN, D. P. M.

* * Persons sending for any of the above letters are requested, at the same time, to send the money, or they will not be delivered.
July 1, 1800.

This is to give notice,

THAT the subscriber hath obtained from the orphans court of Baltimore county, in Maryland, letters testamentary on the personal estate of JOSHUA FRAZIER, late of Baltimore county, deceased, all persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, on or before the first day of December next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this 31st day of May, 1800.

RICHARD FRAZIER, Executor.

Forty Dollars Reward.

RAN away from the subscriber, on the 19th of October last, negro JACOB, 35 years of age, about 6 feet high, smooth face, high forehead, his wool growing in a peak leaves his temples bare, speaks low and rather hoarse; had on and took with him when he went away, a brownish cotton coat, a blue coarse short coat with metal buttons, old breeches, osnabrig shirt, and a match coat blanket; his Sunday apparel, a purple cloth coat with rimmed buttons, nankeen breeches, mixed worsted stockings, and half boots; he professes to be a Methodist, and has been in the practice of preaching of nights; it is expected he is harbouring about the city of Annapolis, West river, South river, South river Neck, or Queen-Anne, as he has a wife at Miss Murdoch's. Whoever takes up and secures said fellow in any goal, so that I get him again, shall receive the above reward, paid by

THOMAS GIBBS, living near Queen-Anne.

N. B. All masters of vessels and others are forewarned harbouring, employing, or carrying off said fellow at their peril.

March 7, 1800.

ANNAPOLIS:
Printed by FREDERICK and SAMUEL GREEN.